

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOHN THOMAS MILLER,)
)
Plaintiff,)
)
v.) Case No.: 4:17-00180-LCB-JEO
)
JEFFERSON S. DUNN, et al.,)
)
Defendants.)

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND THE PAGE
LIMITATION FOR REPLY BRIEF**

Come now Defendants and file this Unopposed Motion for permission to extend the length of Defendants' Reply from ten pages as set forth in Appendix II Summary Judgment Requirements (Doc. 29 p. 15) to twenty pages¹ and as grounds therefore state as follows:

1. Plaintiff's Opposition (Doc. 78) to Defendants' Motion for Summary Judgment based on the Statute of Limitations (Doc. 74) is thirty-one pages in length with sixteen statements of fact, three affidavits and other documents new to Defense counsel. Plaintiff's Opposition asserts an argument not alleged in the Complaint.
2. Attached to Plaintiff's Opposition are affidavits from Plaintiff, Plaintiff's counsel and a representative of the Equal Justice Initiative ("EJI"). EJI

¹ Plaintiff counsel does not oppose the requested extension to twenty pages.

represented Plaintiff in related litigation and typed the Complaint in this case. Plaintiff's Opposition also includes a previously unseen EJI email. The attachments to Plaintiff's Opposition allege facts different from Plaintiff's prior deposition testimony.

3. Based on the above, Defendants respectfully request the Court to grant this Unopposed Motion and allow Defendants to file a Reply not exceeding twenty pages in order to be able to more fully respond to Plaintiff's Opposition.

Respectfully submitted on December 31, 2018.

Robert F. Northcutt

ROBERT F. NORTHCUTT (ASB-9358-T79R)

W. ALLEN SHEEHAN (ASB-7274-L69S)

C. RICHARD HILL (ASB-0773-L72C)

Counsel for Defendants

CAPELL & HOWARD, P.C.
Post Office Box 2069
Montgomery, AL 36102-2069
Email: bob.northcutt@chlaw.com
 allen.sheehan@chlaw.com
 rick.hill@chlaw.com

/s/ Bart G. Harmon

Bart G. Harmon (ASB-4157-R61B)

Counsel for Defendants

Alabama Department of Corrections
Legal Division
PO Box 301501
Montgomery, AL 36130-1501
Bart.Harmon@doc.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December, 2018 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

Russell Rourke Ainsworth
Ruth Zemel Brown
Theresa Kleinhaus
Sarah Grady
Roshan Bala Keen
Rachel Brady
Megan C. Pierce
LOEJVY & LOEJVY
311 N. Aberdeen Third Floor
Chicago, IL 60607

Henry F. Sherrod, III
HENRY F. SHERROD, III, P.C.
119 South Court Street
P.O. Box 606
Florence, AL 35631-0606

/s/ Robert F. Northcutt

Of Counsel